



**UNITED STATES DEPARTMENT OF COMMERCE**  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY, DOCKET NO.
08/126,505	09/24/95	ATKINSON	W010151P

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EXAMINER  
SPECTOR, L

ART UNIT	PAPER NUMBER
1646	

DATE MAILED: 12/04/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
	34

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents.

The appeal brief filed 9/15/98 is defective because it is not directed to the claims as they stand as of the time of appeal. The brief must be directed to the claims and to the record of the case as they appear at the time of the appeal. Applicants amendment after final rejection filed concurrently with the Appeal Brief on 9/15/98 has not been entered, see Paper number 33. Accordingly, the statement of issues and arguments in the appeal brief are defective as they fail to address rejections under 35 U.S.C. §112. Applicants are reminded that amendments after final rejection are not entered as a matter of right, thus concurrent filing of an amendment to the claims with the appeal brief does not allow determination of the status of the claims prior to the filing of the brief.


Applicants are required to submit a replacement appeal brief addressing the claims as they appeared at the time of the appeal.

APPLICANT IS GIVEN A TIME LIMIT OF ONE MONTH FROM THE DATE OF THIS LETTER OR ANY TIME REMAINING IN THE PERIOD UNDER 37 CFR 1.192(a) FOR FILING A NEW COMPLETE BRIEF. If a new brief that fully complies with 37 CFR 1.192(c) is not timely submitted, the appeal will be dismissed as of the date of expiration of the period provided by 37 CFR 1.192(a). No extension of this one month time limit may be obtained under either 37 CFR 1.136(a) or (b) but the original two-month period under 37 CFR 1.192(a) for filing the brief may be extended under 37 CFR 1.136(a) up to six months from the date of the Notice of Appeal.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Lorraine M. Spector, whose telephone number is (703) 308-1793. Dr. Spector can normally be reached Monday through Friday, 8:00 A.M. to 4:30 P.M.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Ms. Lila Feisee, can be reached at (703)308-2731.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist at telephone number (703) 308-0196.

  
Lorraine Spector, Ph.D.  
Primary Examiner

LMS  
126505.90  
10/20/98